

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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MARIA MASUCCI,

Plaintiff,

v.

NORMAN MINETA, Secretary,  
U.S. Department of Transportation,

Defendant.

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) Civil Action No. 04-12537 RGS  
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**DEFENDANT'S ANSWER**

Defendant Norman Mineta, Secretary, U.S. Department of Transportation, hereby answers the Complaint, as follows:

**FIRST DEFENSE**

The Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

Plaintiff is not entitled to seek relief under Section 504 of the Rehabilitation Act, 29 U.S.C. § 704.

**THIRD DEFENSE**

Responding to the allegations in the numbered paragraphs of the complaint, the United States of America admits, denies or other avers, as follows:

**INTRODUCTION**

The first paragraph of the Introduction constitutes plaintiff's characterization of this action to which no answer is required.

The second paragraph of the Introduction is admitted.

The third paragraph of the Introduction is admitted, except that defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation that plaintiff received a “notice of right to sue within 90 days” letter from the EEOC on September 24, 2004, and defendant avers that a letter addressed to plaintiff dated September 15, 2004, was sent by certified mail, return receipt requested, by the Departmental Office of Civil Rights, Cambridge Regional Office, U.S. Department of Transportation, informing her of her right to file a civil suit in an appropriate United States District Court within 90 calendar days of plaintiff’s receipt of the letter, and the Court is referred to that letter for a full and complete statement of its contents.

#### JURISDICTION

This paragraph contains plaintiff’s legal conclusions regarding jurisdiction for this action, to which no response is required.

#### PARTIES

Defendant lacks knowledge or information sufficient to form a belief as to the allegations in the first of the section entitled “Parties” regarding plaintiff’s residence.

The second paragraph of the section entitled “Parties” is denied, except to admit that Norman Mineta is the Secretary of the United States Department of Transportation, and that the United States Department of Transportation is an employer.

#### NUMBERED PARAGRAPHS

1. Admitted.
2. Denied, except to admit that, on September 29, 1996, plaintiff was hired as a GS-9 Automated Information Security (AIS) Specialist.
3. Denied.

4. Denied, except to admit that, on January 18, 1998, plaintiff was promoted to GS-12 AIS Specialist.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and for that reason denies the allegations.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17-19. These paragraphs involve Count One of plaintiff's Complaint, which was dismissed on June 29, 2005, when this Court granted Defendant's Motion for Partial Dismissal For a More Definite Statement, and to Strike. Accordingly, no answer is required.

20-22. These paragraphs involve Count Two of plaintiff's Complaint, which was dismissed on June 29, 2005, when this Court granted Defendant's Motion for Partial Dismissal For a More Definite Statement, and to Strike. Accordingly, no answer is required.

23. Defendant repeats his answers to the allegations contained in paragraphs 1 through 22.

24. Denied.

25. Denied.

26. This paragraph contains only the plaintiff's characterization of his claims to which no answer is required. To the extent an answer is deemed required, denied.

27. Denied.

28. Defendant repeats his answers to the allegations in paragraphs 1 through 27.

29. Denied.

30. Defendant repeats his answers to the allegations in paragraphs 1 through 29.

31. Denied.

#### RELIEF

The remainder of the Complaint constitutes plaintiff's request for relief to which no response is required. Insofar as an answer may be deemed to be required, defendant denies that plaintiff is entitled to the relief prayed for in this action or to any relief whatsoever. Defendant further specifically denies all of the allegations of the Complaint not previously otherwise answered.

WHEREFORE, having fully responded to the Complaint, defendant prays that:

1. the plaintiff takes nothing by way of its Complaint in this action;
2. the action be dismissed with prejudice; and
3. the Court grant such other and further relief as it may deem appropriate.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Mark T. Quinlivan  
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Dated: August 11, 2005